THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.861 OF 2007

DATED 29th JANUARY, 2007

Between

S.Shakunthala and others

... Petitioners

AND

Special Grade Deputy Collector and Revenue Divisional Officer, Chevella Division, Ranga Reddy District and others.

.... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

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ORDER:

The three petitioners are aggrieved by the proceedings of first respondent bearing Procg.No.D/244/2006, dated 03.05.2006, whereunder in response to the report, dated 01.05.2006, submitted by the second respondent, the first respondent cancelled house site pattas issued to the petitioners vide certificate No.B/188/2003.

Learned Assistant Government Pleader for Revenue after getting instructions submits that all the petitioners were ineligible and that second petitioner is not staying in the village. Therefore, a report was submitted by the Mandal Revenue Officer (MRO), acting on which the assignments were cancelled.

The assignment was made admittedly by the MRO. When once assignment is made by the MRO for housing purposes, under the relevant Board Standing Order 21, the MRO is competent to cancel the assignment for violation of terms and conditions and in case of fraud in obtaining house site patta, it is the Joint Collector who has to cancel the house site patta. The Revenue Divisional Officer is *ex facie* has no jurisdiction to cancel

the house site patta. Further, a perusal of the impugned order shows that no notice was issued to the petitioners before cancelling the same. This itself renders the impugned order void. This legal position is not denied. Therefore, the impugned order is set aside. The writ petition is disposed of giving liberty to the second respondent to take necessary action for cancellation of house site pattas if the petitioners are found to be ineligible after issuing notice to the petitioners to show cause as to why their pattas should not be cancelled.

The writ petition is accordingly disposed of. No costs.

(V.V.S.RAO,J)

29.01.2007.
pln